IN THE HIGH COURT OF JUDCIATE FOR RAJASTHAN AT JODHPUR

O R D E R

Mohd. Sharif & Ors. vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.476/2006

Date of Order : August 03, 2006

P R E S E N T

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Talat Bari, for the petitioners.
Mr.Hemant Choudhary, for non-petitioner No.2
Mr.Ashok Upadhyaya, P.P.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioners have challenged the order dt. 17.2.2006 passed by Additional Chief Judicial Magistrate, Deedwana (for short 'the trial court' hereinafter), whereby the trial court prima facie on the basis of material available before it, held that the complaint was filed by non-petitioner No.2 against the petitioners for the offences under sections 498-A and 406 I.P.C. before the trial court and, therefore, the Court at Deedwana has a jurisdiction.

I have heard learned counsel for the parties. Carefully

gone through the order impugned.

From perusal of the order impugned, it appears that the marriage (Nikah) between non-petitioner No.2 and petitioner No.1 was solemnized at Ganeshpura, Tehsil Deedwana. In the complaint, it has been disclosed that at the time of Nikah, dowry articles were given. List of the dowry articles entrusted to the petitioners has been annexed with the complaint.

Learned counsel for the petitioners submits that subsequently the parties have been residing at Sri Gangangar and therefore, the Court at Deedwana has no territorial jurisdiction.

Counsel for the complainant submits that the dowry articles were entrusted to the petitioners at Ganeshpura, Deedwana and on being demanded, the dowry articles have not been returned to the complainant and, therefore, misappropriated the dowry articles being the “Stridhan” of the complainant, which have been misappropriated by the petitioners. A part of cause of action arose at Ganeshpura, Deedwana and a part of cause of action at Sriganganagar. Learned counsel submits that where a part of cause of action arises, it is always open for the complainant to file the complaint

at the place where any part of cause of action has arisen. It is always open for the petitioner either to file a complaint at Deedwana or at Sriganganagar. The trial court having noticed this fact that the cause of action arose at Deedwana, dismissed the application filed by the petitioners challenging the jurisdiction.

Section 181 Cr.P.C. deals with place of trial in case of certain offences. Sub-section (4) of section 181 Cr.P.C. provides that any offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or any part of the property which is the subject of the offence was received or retained, or was required to be returned or accounted for, by the accused person.

In view of the provisions of sub-section (4) of section 181 Cr.P.C., in my view the order impugned does not suffer from any error, illegality or perversity warranting interference. It cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of Court.

Consequently, the cr.misc. petition is dismissed.

[H.R.PANWAR],J.

m.asif/-